

# Exhibit 3

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 IN RE INTERNATIONAL AIR  
12 TRANSPORTATION SURCHARGE  
13 ANTITRUST LITIGATION /

No. M 06-01793 CRB

**ORDER APPOINTING INTERIM  
CLASS COUNSEL**

14 This document relates to: ALL ACTIONS /  
15

**MDL 1793**

16 Now pending before the Court are several applications pursuant to Federal Rule of  
17 Civil Procedure 23(g) for appointment of interim class counsel. After carefully considering  
18 the applications of the distinguished and experienced counsel, and the requirements of Rule  
19 23(g)(1)(C), the Court concludes that two law firms can effectively represent the class, and  
20 that the law firms of Cotchett, Pitre, Simon & McCarthy, Cohen and Millstein, Hausfeld &  
21 Toll, P.L.L.C. are "best able to represent the interests of the class." Fed. R. Civ. P.  
22 23(g)(2)(B).

23 Cotchett, Pitre, Simon & McCarthy ably represented a plaintiff class before this Court  
24 in a previous MDL antitrust consolidated class action. Moreover, the Court is not concerned  
25 that Cohen, Millstein has a conflict of interest; rather, the Court believes its involvement in  
26 and knowledge of related litigation will be an asset to the plaintiff class in this litigation.  
27 Finally, not all the class counsel law firms are from California; Cohen, Millstein has offices  
28 around the country.

Class counsel shall meet and confer with defendants' counsel and submit a stipulation as to the filing of a consolidated amended complaint. In the meantime, if class counsel believe that it is appropriate for the Court to consider certain proposed settlements, they shall file a motion for approval in accordance with Civil Local Rule 7, keeping in mind the objections, including legal objections, that parties have previously raised.

**IT IS SO ORDERED.**

Dated: December 18, 2006



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California